APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,781	01/04/2001	Takako Miyazaki	50N3705.01/1550˙	4446

24272 7590 01/25/2005	**EXAMINER**	
Gregory J. Koerner	GENCO, BRIAN C	
Redwood Patent Law		
1291 East Hillsdale Boulevard	**ART UNIT**	**PAPER NUMBER**
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Foster City, CA 94404		

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-18,20-24,26-38 and 40-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-18, 20-24, 26-38, and 40-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Examination of this application is now being conducted by Brian Genco.

Applicant's amendment filed August 17, 2004 has been fully considered by the Examiner but are not deemed persuasive.

Applicant argues that Ueno does not disclose said peripheral device is implemented with a minimal configuration.

In response, Ueno discloses that the camera is not provided with a shutter release or a control-parameter setting unit for setting black balance, white balance, etc. As such, Ueno's camera is implemented with a minimal configuration.

Applicant argues that Ueno does not disclose said control device is implemented as a camera device.

In response, Examiner notes that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As broadly as claimed, Ueno's host computer 30 is a camera device. In particular, it controls the camera device 10, captures image data from the camera through the communication I/F, and it processes and stores the image data (e.g., column 11, lines 40-46).

Applicant argues that Ueno does not disclose the means plus function equivalents of the limitations of claim 43.

Claim 43 recites a system for managing information, comprising:

means for capturing said information (as described in the instant invention on page 13, line 28 – page 14, line 14 the means for capturing said information is the peripheral device which can be any one of an imaging device such as a scanner, a video recorder, or a bar code reader; or a non-imaging data capture device such as environmental sensors, audio devices, medical devices, shock sensors, or any other type of data capture device or system. As such, as broadly as described in the specification the claimed means for capturing said information can be any data capture device or system. Ueno discloses an imaging device such as a video recorder as disclosed in element 10 of Fig. 1 and column 11, lines 30-32.)

means for accessing said information from said means for capturing (e.g., as described in the instant invention on page 14, lines 15-23 the means for accessing said information is any appropriate means for allowing peripheral device to communicate with external entities, such as camera device. Ueno discloses communication between the host computer 30 and camera 10 via communication interfaces 9 and 33 as shown in Fig. 2 which is an appropriate means for allowing communication between the peripheral device and camera device; column 11, lines 29-30);

means for processing said information; and means for storing said information (e.g., as described in the instant invention on page 13, lines 31-32; and page 14, lines 2-3 the means for accessing said information from said means for capturing is the camera device 110 wherein on page 7, lines 1-6 and Figs. 1-3 the camera device can be implemented as the camera illustrated in

Figs. 1-3 or another type of portable electronic device, such as a hand-held personal digital

assistant device. Ueno discloses that the processing and storage of the captured image data is

performed by the host computer element 30 as shown in Figs. 1 and 2. Examiner notes that at

the time of the invention computers are inherently portable whether they are laptop computers or

desktop computers).

Alternatively, Examiner notes that as broadly as claimed in claim 43 the claimed means

for capturing said information; means for accessing said information from said means for

capturing; means for processing said information; and means for storing said information can be

interpreted to be the camera device 110 with its capture subsystem 114, system bus 116, and

control module 118. The capture subsystem 114 is illustrated in Fig. 2 and the control module is

illustrated in Fig. 3. Ueno discloses an equivalent structure as clearly illustrated in the camera

device 10 of Fig. 2.

Applicant argues that the motivational statement made in combining the Britt reference is

a general restatement of the advantages disclosed by Applicant and is hindsight.

In response, the motivational statement was derived by the teaching of the Britt reference

as a whole that should there not be a processing module present then it is known to download

one from an external source. Furthermore, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

The rejection of claims 42 and 43 is being maintained.

Claim Objections

Claims 6-18, 20, 26-38, and 40 are objected to because of the following informalities:

Claim 6 is dependant on canceled claim 5. Claims 7-18 are dependant from claim 6. For

the purpose of Examination claim 6 is being interpreted to be dependant on claim 1.

Claim 20 is dependant on canceled claim 19. For the purpose of Examination claim 20 is

being interpreted to be dependant on claim 1.

Claim 26 is dependant on canceled claim 25. Claims 27-38 are dependant from claim 6.

For the purpose of Examination claim 26 is being interpreted to be dependant on claim 21.

Claim 40 is dependant on canceled claim 39. For the purpose of Examination claim 40 is

being interpreted to be dependant on claim 21.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claims 1-4, 6-18, 20-24, 26-38, 40, and 41 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

In regards to claims 1 and 21 the meets and bounds of the limitation "minimal

configuration to reduce manufacturing costs of said peripheral device" is not found to be set

forth and clearly defined in the specification. Further, the meets and bounds of the limitation

"sufficient computing capabilities to effectively process, store and manage said information" as

related to a camera device is not found to be set forth and clearly defined in the specification.

Claims 2-4, 6-18, and 20 depend from claim 1 and claims 22-24, 26-38, 40, and 41

depend from claim 21.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claims 1-4, 6-13, 20-24, 26-33, and 40-43 are rejected under 35 U.S.C. 102(b) as being

anticipated by (USPN 5,479,206 to Ueno et al.).

In regards to claim 1, Ueno discloses a system for managing information (Figure 2),

comprising:

a peripheral device (element 10 of Fig. 1) configured to selectively capture said

information (e.g., column 11, lines 24-45), said peripheral device being implemented with a

minimal configuration to reduce manufacturing costs of said peripheral device (e.g., column 11,

lines 32-34); and

a control device (e.g., element 30 of Fig. 1) configured to receive said information from

said peripheral device (e.g., Figs 1 and 2), said control device responsively processing and

storing said information (e.g., column 11, lines 39-45), said control device being implemented as

a camera device that includes sufficient computing capabilities to effectively process, store, and

manage said information instead of utilizing said peripheral device to process, store, and manage

said information (e.g., Ueno's host computer 30 is a camera device. In particular, it controls the

camera 10, captures image data from the camera 10 through the communication I/F, and it

processes and stores the image data; column 11, lines 40-46).

In regards to claim 2, Ueno discloses all the previous limitations of claim 1, and also

wherein said information includes at least one of image data.(Column 11, Lines 25-30) and non-

image data.

In regards to claim 3, Ueno discloses all the previous limitations of claim 1, and also

wherein said peripheral device comprises at least one of an imaging data capture device (e.g.,

element 13 of Fig. 2) and a non-imaging data capture device, said imaging data capture device

including one of a scanner, a video camera (e.g., element 10 of Fig. 1; column 11, lines 30-32), a

barcode reader, and an image sensor device, said non-imaging data capture device including one

of a computer, an environmental measurement device, an audio device, a medical device, and a

sensor device.

In regards to claim 4, Ueno discloses all the previous limitations of claim 1, and also

wherein said peripheral device includes at least one of a data capture module (e.g., element 10 of

Fig. 1; The camera captures images, which are data), a power supply (column 13, lines 60-61),

and an input/output interface (e.g., element 9 of Fig. 2).

In regards to claim 6, Ueno discloses all the previous limitations of claims 1, and also wherein said camera device includes at least one of a capture subsystem (e.g., I/F element 33 captures the image data transmitted by the camera), a viewfinder (e.g., element 5A of Fig. 2; column 11, lines 35-38), and a control module (e.g., element 30 of Fig. 2; the computer controls the whole system).

In regards to claim 7, Ueno discloses all the previous limitations of claims 1 and 6, and also, wherein said control module includes at least one of a central processing unit (e.g., element 31 of Fig. 2), a memory (e.g. element 32 of Fig. 2), and one or more input/output interfaces (e.g., element 33 of Fig. 2).

In regards to claim 8, Ueno discloses all the previous limitations of claims 1, 6, and 7 and also wherein said memory includes at least one of a camera application (e.g., element 32B of Fig. 2; column 13, lines 25-27), an operating system (e.g., Fig. 8), a transfer manager (e.g., element 32A of Fig. 2), a processing manager, a display manager (e.g., element 34 of Fig. 2), data storage (e.g., column 13, lines 22-24), and a storage manager (column 13, lines 22-31; The storage and processing manager are inherent. Figure 8 illustrates an operating system that runs on the host computer, which includes file managing, processing, and storage and display).

In regards to claim 9, Ueno discloses all the previous limitations of claims 1, 6, 7, and 8 and also wherein said processing manager (The processing manager is inherent in the operating system illustrated in Figure 8) includes one or more processing modules, said processing modules each being designed to process and manipulate a different type of said information that is downloaded from a different type of said peripheral device (The processing manager also take data input from the keyboard and mouse. The keyboard and mouse are peripherals).

In regards to claim 10, Ueno discloses all the previous limitations of claims 1, 6, 7, 8, and 9, and also wherein said at least one of said processing modules includes at least one of a demosaicing routine, a sharpening routine, a compression routine, a sizing routine, and an image processing routine (e.g., Figure 8; The processing module performs white balance, black balance, and exposure control. These are image processing routines).

In regards to claim 11 , Ueno discloses all the previous limitations of claims 1, 6, and 7 and also wherein said input/output interfaces (e.g., element 33 of Fig. 2) allow said camera device (e.g., element 32B of Fig. 2) to communicate with at least one of a distributed computer network a host computer, a cellular telephone, said peripheral device (e.g., element 33 of Fig. 2 connects to element 9 of Fig. 2 of the said peripheral device.), an Internet network a printer device, a wireless communications system, a removable storage media device, and a user interface (e.g., elements 36, 37, and 5A).

In regards to claim 12 Ueno discloses that the camera is not provided with a shutter release or a control-parameter setting unit for setting black balance, white balance, etc (e.g., column 11, lines 32-34).

In regards to claim 13 Examiner notes that the transfer manager is inherent in elements 33 and 32A of Fig. 2.

In regards to claim 20 Examiner notes that the host computer 30 of Ueno is a portable electronic data-recorder devices that processes, stores and manages said information instead of utilizing said peripheral device. Examiner notes that at the time of the invention computers are inherently portable whether they are laptop computers or desktop computers.

Claims 21-24, 26-33, and 40 have been analyzed and are method claims for system

claims 1-4, 6-13, and 20. They are rejected under the same grounds as claims 1-4, 6-13, and 20.

In regards to claim 41, Ueno discloses all the previous limitations of claim 21 and also

wherein a capture subsystem (e.g., element 18 of Fig. 2) initially receives said information from

said peripheral device (element 10 of Fig. 2) through a data input (inherent) that provides said

information to one or more downstream data handling modules (e.g., any one of elements 5, 14,

15, 16, or 33 of Fig. 2) from at least one of said capture subsystem and said control device, said

information including at least one of analog information and digital information (e.g., as

illustrated in Fig. 2 said information is both analog information and digital information).

Claim 42 has been analyzed and is a computer readable claim for the system of claims 1-

4, and 6-11. They are rejected under the same grounds as claims 1-4 and 6-11.

Claim 43 has been analyzed and is rejected under the same grounds as claims 1-4 and 6-

11.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claims 14-15 and 17-18 and 34-35 and 37-38 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Ueno (US 5,479,206) in view of Urisaka (US 6,714,238).

For claim 14, Ueno discloses all the previous limitations of claims 1, 6, 7, 12, and 13 as is

stated in the previous statements of rejection. However, Ueno lacks teaching wherein said

transfer manager analyzes said captured information from said peripheral device' to perform an

identification procedure for determining an information type corresponding to said captured information, said transfer manager responsively taking an appropriate action for handling said captured information depending upon said information type.

Ueno does in fact disclose the transfer manager, which is presented in the operating system of Figure 8. The "Input" icon allows the user to transfer the image data form the camera to the host computer. There is only one type of data present though. Therefore, there is no need to determine a data type by the transfer manager.

Urisaka teaches a video/audio communication system (Figure 1) in which a host computer captures video and audio data and sends it to video/audio communication terminals (Figure 1). The video and audio data is captured by the peripheral devices, which are the video camera and microphone. It is well known in the art to have an audio input on a video camera.

In Figure 5, the management system (82) identifies the audio and video data, which has already been delivered to the system by the transfer manager of the video input and audio input control and then delivers it to the proper communications terminals (Column 5, line 65 through Column 6, Line39).

The Urisaka reference teaches the limitation wherein the transfer manager analyzes captured information (Video and Audio Data) from a peripheral device (Camera and microphone) to perform an identification procedure for determining an information type (video or audio) corresponding to the captured video and audio data, and wherein the transfer manager takes the appropriate action for handling the captured information depending on information type.

Both the Urisaka and Ueno teaching have a computer, which has a camera control unit in

the control device, which controls the peripheral device. Therefore, it would have been obvious

to one of ordinary skill in the m at the time of the invention to have to been motivated to

configure the device of Ueno with the transfer manager of Ueno to determine the information

type of the data and to take an appropriate action depending on the information type in order to

vary the directionality of audio and input and output according to the panning, tilting, and

zooming, operations of the camera, so that the video information and audio information can be

matched to the feeling of the observer, thus providing a system with improved realistic feeling

suggested by Urisaka in Column 8, Lines 42-49.

For Claim 15, the combination of the Ueno and Urisaka references discloses all the

previous limitations of claims 1, 6, 7, 12, 13, and 14 as previously addressed. The Urisaka

reference also discloses wherein an appropriate processing module (Figure 1, Item 36, 38, 40,

48) from a processing manager (Figure 5, Item 82; Column 6, Lines 34-38) is selected by said

camera device (Figure 1, Item 32), based upon said information type (Video or Audio), and is

then executed by a central processing unit (Figure 1, Item 20) in said camera device (Figure 1,

item 10-1) to thereby generate processed information from said captured information.

The camera device captures the video and audio and data. It then processes it and sends

the correct information to the correct communication terminal as is shown in Figure 1 and is

described in Column 2, Line 66 through Column 3, Line 65.

Claims 34-35 have been analyzed and are method claims for system claims 14-15. They

are rejected under the same grounds as claims 14-15.

For Claim 17, the combination of the Ueno and Urisaka references discloses all the previous limitations of claims 1, 6, 1, 1 2, 13, 14, and 15 as previously addressed.

Urisaka also discloses wherein a storage manager in the camera device inside the computer accesses and stores said processed information into an appropriate storage location that depends upon an information type of said processed information (Video or Audio; Figure 1), said appropriate storage location including at least one of a local memory device in said camera device, a removable storage media device (Figure 1, Item 24), a mass storage device on a host computer (Figure 1, item 22), a network device (Figure 1, Item 30), and a wireless communications device.

The camera device is attached to the computer along with the audio capture device. The CPU in the computer determines where to store the video and audio data, and then sends the appropriate data to the communication terminals. The video and audio and audio data are also able to be stored in the main and secondary memory (Column 3, Lines 1-9; Figure 1).

For Claim 1 8, the combination of the Ueno and Urisaka references discloses all the previous limitations of claims 1, 5, 6, 7, 12, 13, 14, 15, and 17 as previously addressed.

Urisaka also discloses wherein at least one of said transfer manager and said storage manager includes one or more sub-modules (Figure 1, Item l tem 34, 36, 40), said sub-modules (Figure 1, Item 34, 36, 40) each being designed to handle a different type (video or audio) of said information that is downloaded from a different type of said peripheral device (Microphone or Video Camera', Item 32 or 38).

Claims 37-38 have been analyzed and are method claims for system claims 1 7-1 8. They are rejected under the same grounds as claims 17-18.

Claims 16 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno

(US 5,479,206) in view of Urisaka (US 6,714,238) in further view of Britt Jr. (US 6,230,319).

For Claim 16, the combination of the Ueno and Urisaka references discloses all the

previous limitations of claims 1, 5, 6, 7, 12, 13, 14, and 1 5 as previously addressed.

The processing modules (Figure 1, Item 34, 36, and 40) in the Urisaka reference are used

by the computer to process the video and audio information and also for camera control.

Ueno illustrates in Figure 1 a personal computer. The personal computer contains the

camera device. It is known to connect personal computers to an external network and download

new features to them from the external network.

However, neither Urisaka nor Ueno teach downloading an appropriate processing module

through an input/output interface when it is not available on the camera device.

Nevertheless Britt Jr. teaches to download a processing module from an external source

such as a computer network, wireless communication system, or Internet network when the

processing module is not available on the camera device (Figure 7; Column 8, Lines 40-59).

The upgrade is available to download if it is not present in the web TV client device.

Therefore, it would have been obvious to one of ordinary skill in the art to have been

motivated to configure the obvious combination of Urisaka and Ueno with a downloading

capability of downloading processing modules from an external source when they are not

available on the camera device in order to update the camera device with new features as is

taught by Britt Jr. in Column 8, Lines 40-58 and Figure 7.

Claim 36 have been analyzed and is a method claim for system claim 16. It is rejected

under the same grounds as claims 16.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or

by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am

to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

<div style="text-align:right">

Brian C Genco
Examiner
Art Unit 2615

</div>

January 19, 2005

ANDREW CHRISTENSEN
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